

AMENDED IN ASSEMBLY APRIL 15, 2010

AMENDED IN ASSEMBLY APRIL 8, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 2467

Introduced by Assembly Member Monning

February 19, 2010

An act to amend Section 2889.9 of, and to add Section 2890.5 to, the ~~Public Utilities Code~~, relating to telecommunications; ~~3007.5 of the Elections Code~~, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 2467, as amended, Monning. ~~Telecommunications: customer service. Elections: vote by mail.~~

Existing law permits a voter to apply to his or her elections official for a vote by mail ballot between the 29th and the 7th day prior to an election. Existing law requires the Secretary of State to prepare and distribute to appropriate elections officials a uniform electronic application for a vote by mail ballot. Existing law requires the uniform electronic application to contain space to provide specified information, including the date on which the application must be received by the elections official prior to the election. Existing law also requires the uniform electronic application to contain specified statements related to voting.

This bill would delete the requirement that the uniform electronic application contain space to include the date on which the application is due and would instead provide that the uniform electronic application state that the application is due 7 days prior to the election. The bill would provide that the specified statements related to voting be

substantially similar to those statements currently found in these provisions.

~~Existing law requires the Public Utilities Commission to implement programs to provide services to the deaf and hearing impaired. Existing law also directs the commission to require, or directly requires of telephone corporations, specific consumer protections relating to telecommunications services, including provisions that regulate various billing and collection practices, access to “911” service, handling of customer complaints, and disclosures of certain information to the customer. Existing law authorizes the commission to adopt rules, regulations and issue decisions and orders, as necessary, to safeguard the rights of consumers and to enforce those provisions.~~

~~This bill would require, rather than authorize, the commission to adopt rules and regulations and issue decisions and orders, as necessary, to safeguard the rights of consumers and to enforce those provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~yes-no~~.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 *SECTION 1. Section 3007.5 of the Elections Code is amended*
- 2 *to read:*
- 3 3007.5. (a) The Secretary of State shall prepare and distribute
- 4 to appropriate elections officials a uniform electronic application
- 5 format for a vote by mail voter’s ballot that conforms to this
- 6 section.
- 7 (b) The uniform electronic application *shall inform the voter*
- 8 *that the application for the vote by mail voter’s ballot must be*
- 9 *received by the elections official not later than seven days prior*
- 10 *to the date of the election and shall contain spaces for at least the*
- 11 following information:
- 12 (1) The name and residence address of the registered voter as
- 13 it appears on the affidavit of registration.
- 14 (2) The address to which the ballot is to be mailed.
- 15 (3) The name and date of the election for which the request is
- 16 made.
- 17 ~~(4) The date the application must be received by the elections~~
- 18 ~~official.~~
- 19 ~~(5)~~
- 20 (4) The date of birth of the registered voter.

(c) The uniform electronic application shall inform the voter that if he or she is not affiliated with a political party, the voter may request a vote by mail ballot for a particular political party for the primary election, if that political party has adopted a party rule, duly noticed to the Secretary of State, authorizing that vote. The application shall contain a toll-free telephone number, established by the Secretary of State, that the voter may call to access information regarding which political parties have adopted such a rule. The application shall list the parties that have notified the Secretary of State of the adoption of such a rule. The application shall contain a checkoff box with a conspicuously printed statement that reads, *as follows substantially similar to the following*: “I am not presently affiliated with any political party. However, for this primary election only, I request a vote by mail ballot for the ____ Party.” The name of the political party shall be personally affixed by the voter.

(d) The uniform electronic application shall contain a conspicuously printed statement, *as follows substantially similar to the following*: “Only the registered voter himself or herself may apply for a vote by mail ballot. An application for a vote by mail ballot made by a person other than the registered voter is a criminal offense.”

(e) The uniform electronic application shall include ~~the following~~ a statement *substantially similar to the following*: “A ballot will not be sent to you if this application is incomplete or inaccurate.”

(f) The uniform electronic application format shall not permit the form to be electronically submitted unless all of the information required to complete the application is contained in the appropriate fields.

~~SECTION 1. Section 2889.9 of the Public Utilities Code is amended to read:~~

~~2889.9. (a) No person or corporation shall misrepresent its association or affiliation with a telephone carrier when soliciting, inducing, or otherwise implementing the subscriber's agreement to purchase the products or services of the person or corporation, and have the charge for the product or service appear on the subscriber's telephone bill.~~

~~(b) Chapter 11 (commencing with Section 2100) of Part 1 of Division 1 applies to a public utility subject to this section and~~

1 Section 2890. If the commission finds that a person or corporation
2 or its billing agent that is a nonpublic utility, and is subject to this
3 section and Section 2890, has violated any requirement of this
4 article, or knowingly provided false information to the commission
5 on matters subject to this section and Section 2890, the commission
6 may enforce Sections 2102, 2103, 2104, 2105, 2106, 2107, 2108,
7 2109, 2110, 2111, and 2114 against those persons, corporations,
8 and billing agents as if the persons, corporations, or billing agents
9 were a public utility. Neither this authority nor any other provision
10 of this article grants the commission jurisdiction to regulate persons
11 or corporations or their billing agents who are not otherwise subject
12 to commission regulation, other than as specifically set forth in
13 this section and Section 2890.

14 (c) If the commission finds that a person, corporation, or billing
15 agent is operating in violation of any provision of this section and
16 Section 2890, the commission may order the billing telephone
17 company to terminate the billing and collection services for that
18 person, corporation, or billing agent. Nothing in this section and
19 Section 2890 precludes a billing telephone company from taking
20 action on its own to terminate billing and collection services.

21 (d) The commission shall establish rules that require each billing
22 telephone company, billing agent, and company that provides
23 products or services that are charged on subscribers' telephone
24 bills, to provide the commission with reports of complaints made
25 by subscribers regarding the billing for products or services that
26 are charged on their telephone bills as a result of the billing and
27 collection services that the billing telephone company provides to
28 third parties, including affiliates of the billing telephone company.

29 (e) If the commission receives more than 100 complaints
30 regarding unauthorized telephone charges in any 90-day period as
31 to a person, corporation, or billing agent's activities that are subject
32 to Section 2890 and this section, the commission's consumer
33 services division shall commence a formal or informal
34 investigation. The commission, to further the purposes of Section
35 2890 and this section, may change the number of complaints in
36 any 90-day period that initiates the commencement of an
37 investigation. This subdivision does not prohibit the commission's
38 consumer services division from opening any investigation it deems
39 necessary to enforce Section 2890 or this section.

1 ~~(f) Failure by a person, corporation, or billing agent to respond~~
2 ~~to commission staff requests for information is grounds for the~~
3 ~~commission to order the billing telephone company or companies~~
4 ~~that are providing billing and collection services to cease billing~~
5 ~~and collection services for the person, corporation, or billing agent.~~

6 ~~(g) Persons or corporations originating charges for products or~~
7 ~~services, their billing agents, and telephone corporations billing~~
8 ~~for these products or services shall cooperate with the commission~~
9 ~~in the commission's efforts to enforce this article.~~

10 ~~(h) This section and Section 2890 do not obligate a billing~~
11 ~~telephone company to provide billing and collection services to a~~
12 ~~billing agent.~~

13 ~~(i) For purposes of this section, "billing agent" means the~~
14 ~~clearinghouse or billing aggregator.~~

15 ~~SEC. 2. Section 2890.5 is added to the Public Utilities Code,~~
16 ~~to read:~~

17 ~~2890.5. The commission shall adopt rules and regulations and~~
18 ~~issue decisions and orders, as necessary, to safeguard the rights of~~
19 ~~consumers and to enforce this article.~~